

REMARKS

This Amendment is in response to the Office Action dated November 3, 2006. Claims 1 through 11 and 15 through 17 have been amended. Claims 12 through 14 and 19 through 22 were previously cancelled. The application now includes claims 1 through 11 and 15 through 18, with claims 1, 15 and 16 being independent claims. Favorable reconsideration of the application, as amended, is respectfully requested.

In the Official Letter, the Examiner rejected claims 1 through 11 and 16 through 18 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner stated that throughout claims 1 through 11 and 16 through 18, the limitation “outer supporting bracket is not described in the specification.

Applicants have amended independent claims 1 and 16 to recite a one piece bracket outer supporting shell formed from a non-resilient material that is adapted to be attached to a vehicle. Applicants note that paragraph no. [023] beginning on page 5 of the specification states:

As illustrated in Fig. 2, *the mounting bracket 20 includes a intermediate layer 22 formed from a resilient material, such as a polymer, disposed between an outer shell 24 formed from a non-resilient material, such as a metal, and an inner support 26 that also is formed from a non-resilient material. In the preferred embodiment, the resilient polymer layer 22 is formed from rubber and is 0.1 mm thick while the outer shell 24 and inner support 26 are formed from a steel sheet that is 0.7 mm thick. It will be appreciated that the invention also may be practiced with the bracket components 22, 24 and 26 formed from other materials. Similarly, the invention also may be practiced with other thicknesses of the bracket components 22, 24 and 26. The intermediate layer 22 is bonded to the outer shell 24 and the inner support 26 by a conventional method, such as an adhesive bonding. (Emphasis Added.)*

Based upon the above description, applicants believe that the amended language in independent claims 1 and 16 is fully supported by the specification. Applicants have also amended dependent claims 2 through 11 and 17 to recite an outer supporting shell. It is noted that claim 18 is dependent upon amended claim 17 and includes all of the limitations recited therein. Accordingly, applicants respectfully request that the Examiner withdraw his rejection of claims 1 through 11 and 16 through 18 under 35 U.S.C. §112, first paragraph.

In the Official Letter, the Examiner also rejected claim 15 under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,104,271 to Lechler. The Examiner stated that the Lechler reference discloses a mounting device for securing a control unit comprising: an outer supporting structure (3) formed from a non-resilient material, the outer supporting structure having an outer threaded portion (6) formed integrally therewith and extending therefrom that is adapted to be attached to a component (10); an inner supporting structure (2) that has a threaded inner portion (5) formed integrally therewith and extending therefrom that is adapted to be received in a corresponding threaded bore formed in the control unit (9); and a layer of resilient material (4) disposed between a second end of the outer supporting structure that is opposite from the first end and the inner structure, the layer of resilient material forming an insulative barrier between the outer supporting structure and the inner structure to prevent any direct contact therebetween whereby the resilient material absorbs noise and vibrations (Fig 1).

Applicants have amended claim 15 to recite a control unit for a vehicle system having a threaded bore formed therein, said threaded bore receiving said threaded inner portion of said inner supporting structure such that said control unit is secured to said inner supporting structure.

Applicants note that the Lechler reference, in column 2, lines 51 through 56, states that:

Extending from the washers 2 and 3 and rigidly connected with these are threaded bolts 5 and 6, which in each case pass through a hole 7 and 8

respectively in a structural part 9 and 10 respectively; *and on the ends of which nuts 11 and 12 respectively are screwed.* (Emphasis added.)

Based upon the above disclosure, applicants believe that the Lechler reference teaches an inner supporting structure having a threaded inner portion that receives a securing nut, not a control unit for a vehicle system that has a threaded bore that corresponds to and receives a threaded inner portion of an inner supporting structure, as recited in amended claim 15. Nothing in the Lechler reference shows or suggests that the threaded portion is received within a corresponding threaded bore formed in a control unit for a vehicle system. Indeed, by disclosing a threaded portion that receives a securing nut, applicants believe that the Lechler reference actually teaches away from the structure recited in amended claim 15. Accordingly, applicants believe that amended independent claim 15 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

In the Official Letter, the Examiner further rejected claims 1 through 11 and 16 through 18 under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,669,232 to Iwamoto et al. The Examiner stated that, since the amendment filed on August 16, 2006, contains the new matter “outer supporting bracket”, the Examiner was maintaining the rejection included in the Official Letter dated July 23, 2006.

As described above, applicants have amended claims 1 through 11, 16 and 17 to replace the term “bracket” with the term “shell” which applicants believe is fully supported by the description in the specification.

Regarding the Official Letter dated July 23, 2006, the Examiner stated that the Iwamoto et al. reference discloses all of the elements recited in the claims. Specifically, the Examiner stated that the Iwamoto et al. reference teaches an outer supporting structure formed from a non-resilient material (5) that is adapted to be placed in proximity to a vehicle; and a layer of resilient material (22) disposed within and attached to the outer structure, the resilient material covering substantially the entire surface of the supporting structure that is adjacent to the control unit, the resilient material also adapted to be placed adjacent to the control unit (11) whereby

the resilient material absorbs noise and vibrations; further including an inner supporting structure formed from a non-resilient material that is attached to a surface of the layer of resilient material that is opposite from the outer supporting structure, the inner structure being adapted to be attached to the control unit; the resilient material is a polymer (col.5, line 53) that is attached to the outer and inner supporting structures; the polymer is rubber and the outer and inner supporting structures are formed from steel; the layer of resilient material is adhesively bonded to the outer and inner supporting structures; the inner and outer supporting structures are generally U-shaped and form a bracket that is adapted to secure the control unit to a vehicle; the control unit is an electronic control unit that is attached to a hydraulic valve body to form an electro-hydraulic control unit (11) and further wherein the inner and outer supporting structures are generally U-shaped and form a bracket that is adapted to secure the electro-hydraulic control unit to a vehicle; the resilient material is a polymer that is attached to the outer supporting structure; the polymer is rubber and the outer supporting structure is formed from steel; the layer of resilient material is adhesively bonded to the outer supporting structure (Fig. 1 ; col. 5, lines 45-col.6, line 14).

Applicant notes that the Iwamoto et al. reference states, in col.5, line 53, that layer (22) is a heat insulator such as urethane. Applicants believe that urethane is a relatively rigid insulating material, not a resilient material as recited in independent claims 1 and 16. Furthermore, the Iwamoto et al. reference also states, in col.5, line 59, that the device labeled 10 is an evaporator or cooler, not a control unit as recited in independent claims 1 and 16. Additionally, the Iwamoto et al. reference discloses, in column 5, lines 51 through 53 forming an adiabatic box by inserting an inner casing 10 into outer casing 5. Applicants believe that a box forming a refrigerator would have four sides and a back while a U-shaped bracket would have only two sides and a back. Regarding claim 16, nothing in the Iwamoto et al. reference shows or suggests an electronic control unit for controlling a vehicle system disposed in proximity to the layer of resilient material, as recited in the claim. Indeed, the Iwamoto et al. reference teaches only a sub-condenser 14 and a compressor 8 disposed in proximity to the

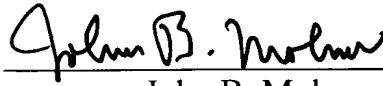
insulation layer 22. Accordingly, applicants believe that claims 1 and 16 are not anticipated by the Iwamoto et al. reference.

Nevertheless, applicants have previously and currently amended independent claims 1 and 16 to recite a one piece bracket outer supporting shell formed from a non-resilient material that is adapted to be attached to a vehicle. As described in column 5, lines 46 through 52 of the Iwamoto et al. reference, the reference discloses a refrigerator 1 comprising an adiabatic box 3 formed by inserting an inner casing 10 at a fixed interval inside an outer casing 5. Applicants believe that an outer casing of an adiabatic box for a refrigerator is structurally different from a bracket supporting shell, as recited in amended independent claims 1 and 16. Indeed, applicants believe that nothing in the Iwamoto et al. reference shows or suggests a supporting bracket. Accordingly, applicants believe that amended independent claims 1 and 16 are patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claims.

Applicants also have amended dependent claims 2 through 11 to be consistent with amended independent claim 1. Similarly, applicants have amended claim 17 to be consistent with amended independent claim 16. Claims 2 through 11 are dependent upon amended independent claim 1 and include all of the limitations recited therein while claims 17 and 18 are dependent upon amended independent claim 16 and include all of the limitations recited therein. Accordingly, for the reason given above, applicants also believe that claims 2 through 11, 17 and 18 also are patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claims.

In view of the amendments and above remarks, it is believed that the application is now in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John B. Molnar", is written over a horizontal line.

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